

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <i>Dunkeld et al</i>) Art Unit: 3621
)
Serial No.: 10/016,325) Examiner: <i>Augustin, Evens J</i>
)
Filed: 12/10/2001)
)
For: <i>System & Method for Unique Digital Asset</i>)
<i>Identification and Transaction Management</i>)

**REQUEST FOR CORRECTED/COMPLETE OFFICE ACTION
DUE TO APPARENT ERROR(S)/OMISSIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant received a Final Office Action dated December 7, 2007 in the present case. The Office Action purports to respond to Applicant's August 3 2007 Amendment and Response, but, in fact, contains a number of errors and omissions which affect the Applicant's ability to respond meaningfully and develop an accurate written record for review on appeal. For example, many of the claims are not even addressed. In other cases prior art is applied, even though such reference has been overcome with a declaration from one of the inventors.

Applicant thus respectfully requests that the Office Action be re-issued in more complete and accurate form so that an appropriate response can be provided and advance the state of prosecution in this case. Furthermore pursuant to MPEP 710.06, Applicant requests the benefit of this rule to re-start the period of response to any Office Action until there is clarification on the merits as noted below.

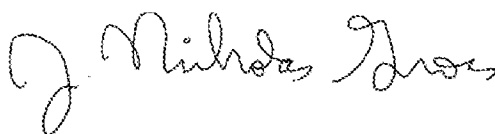
In particular Applicant points out the following apparent errors and/or omissions in the Office Action:

1. Prior art: the Office Action continues to cite the O’Kane reference, even though the Applicants previously submitted a Rule 1.31 declaration that was expressly referenced in the August 3 Amendment and Response (see pages 15 and 16), and which was provided on July 16, 2007 as part of the present record. This omission appears inadvertent, but the Examiner is nonetheless kindly requested to review the inventor declaration as it was already made of record in a timely fashion. Applicant submits that the declaration should render the prior art moot at this point and welcomes the Examiner’s confirmation of the same. If the Examiner is relying on some other reference, he is requested to identify it at the earliest opportunity.
2. On page 2: The Examiner states that claims 1-23 and 31 – 35 “...have been examined.” This appears incorrect, since these claims were withdrawn, but the Office Action later on makes mention of claim 8 so the meaning is unclear. Clarification of this point would be appreciated.
3. On page 2: the Examiner states that there are “new” grounds of rejection, necessitated by applicant’s “amendment.” The Applicant cannot discern any “new” grounds of rejection, and there was no amendment made to any of the original claims. Clarification of this point would be appreciated.
4. On page 2: the reference to language “as recited in claim 8” is not understood. Claim 8 has been withdrawn, and, in any event, never included such language. Clarification would be appreciated.
5. On page 4: the Examiner repeats the original rejection under §112, but does not address or even make any mention whatsoever of Applicant’s lengthy response to this in the August 3 response. This must be in error, since the Examiner is required under the MPEP to respond adequately and completely to points made in a response. Accordingly, the Applicant requests that the Examiner please identify and explain his response to the arguments presented to make the record complete.

6. On page 4: the Examiner makes no mention of claims 59 – 80 which are also pending and which were added on August 3, 2007. Thus, there is no official determination on these claims and nothing for the Applicant to respond to on the record.

For the reasons noted above Applicant submits that the present Final Office Action contains several obvious errors and omissions which should be remedied at the earliest opportunity. Should the Examiner wish to discuss the present case at any time, please contact the undersigned at any convenient opportunity.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. Nicholas Gross".

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December 10, 2007
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